

**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/209,280	12/11/98	JUNG	4805.0072 02

LM51/1209
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EXAMINER
YOUNG, W

ART UNIT	PAPER NUMBER
2753	#8

DATE MAILED: 12/09/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/209,280Applicant(s)
Jung et al.Examiner
W. R. YoungGroup Art Unit
2753

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on 11/30/99 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☒ will not be entered because:
 - ☒ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The sworn translation of the priority document exhibit requires further consideration of the claims under 112, 1st paragraph to determine if the claims are adequately supported therein. Note that figure 6 of the specification and of the translation and the respective descriptions therein differ (see Other)


- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see NOTE, Other, and Attachment.
- ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: none
- Claims objected to: none
- Claims rejected: 7-14

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☒ Other *substantially and require significant review. Thus, the translation has not been considered and the rejection under § 102 remains. In re pg 3, top, applicant refers to a previous request of the examiner relative to a 103 rejection; however, it is noted that the "request" was made relative to the 102 rejection. Applicant should note paper no. 6, pg 2, last par., re clear anticipation by Ostrover. (Attachment)*


W. R. YOUNG
PRIMARY EXAMINER
ART UNIT 2753

Art Unit: 2753

Attachment.

Applicant should also note the discussion of Ostrover et al., in paper no. 6, page 3, first paragraph. Further, applicant should note the additional responses to the specific arguments made relative to the § 103 rejections, in paper no. 6, pg 3, second paragraph - pg 4, top. In re the rest of the current response arguments, the emphasis on “key matrix” is not understood, since this is already present in the admitted art. The obviousness rationale is directed to the selection between the two audio signals already present in the admitted art. The secondary references suggest this feature and show use of an input device relative thereto. The admitted art already uses an input device which is the claimed “key matrix”.